

Michigan's Fair Housing Act of 1968

Public Act No. 112. From the Public and Local Acts of the Legislature of the State of Michigan passed at the regular session of 1968.

CHAPTER 5. ENFORCEMENT BY DEPARTMENT OF LICENSING AND REGULATION

564.501 Revocation of licenses. [M.S.A. 26.1300(501)]

Sec. 501. If a certification is made pursuant to section 414, the licensing agency may take appropriate action to suspend or revoke the license of the respondent.

CHAPTER 6. LOCAL COMMISSIONS

564.601 Local ordinance, adoption, enforcement. [M.S.A. 26.1300(601)]

Sec. 601. A political subdivision may adopt and enforce an ordinance prohibiting discrimination in real estate transactions because of race, color, religion or national origin which is not in conflict with the provisions of this act.

564.602 Local commission, creation. [M.S.A. 26.1300(602)]

Sec. 602. A political subdivision, or 2 or more political subdivisions acting jointly, may create a local commission to promote the purposes of this act and to secure for all individuals within the jurisdiction of the political subdivision or subdivisions freedom from discrimination in real estate transactions because of race, color, religion or national origin, and may appropriate funds for the expenses of the local commission.

564.603 Local commission, powers; review of final orders. [M.S.A. 26.1300(603)]

Sec. 603. (1) A local commission, to the extent authorized by local ordinance, may have all the powers within its geographical jurisdiction which the state commission has under chapter 4. However, neither the state commission nor a local commission shall accept a complaint from a complainant who has previously filed a complaint involving the same transaction with the other agency, or in court pursuant to chapter 7, unless the prior complaint was dismissed on grounds not dispositive of the merits. Records and reports required by a local commission shall conform as nearly as convenient to corresponding records and reports required by the state commission and by federal law. A local commission may issue cease and desist orders only with the written approval of the state commission, upon filing of the transcript of proceedings, the findings of fact and recommendations of the local commission presented to and concurred in by the state commission. If the local commission is authorized to conciliate claims of unfair housing practices but not issue cease and desist orders, nor petition for damages or fines, prior to accepting a claim the local commission shall give written notice to the claimant of the extent of its powers and may file his claim with the state commission.

(2) Proceedings for review or enforcement of a final order of a local commission shall be the same as proceedings for review or enforcement of a final order of the state commission.

564.604 Jurisdiction, transfer to local commission; report and recommendations. [M.S.A. 26.1300(604)]

Sec. 604. (1) The state commission, whether or not a complaint has been filed under this act, may transfer jurisdiction of a matter involving discrimination in real estate transactions because of race, color, religion or national origin to a local commission for investigation, study and report, subject to the consent of the local commission and the parties.

(2) The state commission may transfer jurisdiction of a complaint alleging a violation of this act to a local commission for investigation, determination whether there is a reasonable cause to believe that the respondent has committed an unfair housing practice, or assistance in eliminating an unfair housing practice by conference, conciliation or persuasion, subject to the consent of the local commission and the parties.

(3) Upon transfer by the state commission, the local commission shall make a report and may make recommendations to the state commission and take other appropriate action within the scope of its powers.

564.605 Jurisdiction, transfer to state commission; judicial transfer. [M.S.A. 26.1300(605)]

Sec. 605. (1) A local commission may transfer jurisdiction of a matter under its jurisdiction to the state commission, subject to the consent of the state commission.

(2) If the state commission believes there has been excessive delay in deciding a case by a local commission or that the local commission is for any reason unable or unwilling to dispose of a complaint in accordance with the provisions and purposes of this act, the state commission may apply to the circuit court in which the local commission is located for an order transferring jurisdiction over the complaint to the state commission.

564.606 Construction of chapter. [M.S.A. 26.1300(606)]

Sec. 606. This chapter shall not be construed to imply the absence of power in a political subdivision to provide criminal sanctions in an ordinance passed pursuant to the police power or other power inherent in the political subdivision.

CHAPTER 7. PRIVATE CIVIL ACTIONS

564.701 Private civil action; time; provisional and final relief, rescission of contract. [M.S.A. 26.1300(701)]

Sec. 701. (1) A person claiming to be aggrieved by an unfair housing practice, in lieu of filing a written complaint with the state commission or a local commission, may initiate a private civil action in circuit court seeking appropriate injunctive relief for a period of time not to exceed 30 days and damages.

(2) The courts of this state are authorized, through appropriate civil procedures, to give provisional and final relief in such cases. The remedies shall conform insofar as possible to those stated in sections 410 to 412, except that such courts are not limited to the damages set forth in section 411.

(3) Where real property is the subject of a complaint of an unfair housing practice, the court may cancel, rescind or revoke a contract, deed, lease or other instrument transferring that property to

any person who had actual knowledge or record notice of a finding by the state or local commission that an unfair housing practice had occurred with respect to such real property, if such actual knowledge or record notice occurred prior to the transfer of the real estate or the execution of a document creating a legal obligation to make such transfer.

564.702 Civil act bar to commission action; defense to civil action. [M.S.A. 26.1300(702)]

Sec. 702. The state commission or a local commission shall not accept a complaint from a complainant who has previously filed a complaint in court involving the same transaction unless the court has previously dismissed the complaint for lack of jurisdiction or improper venue. It is a defense to an original civil action commenced under this chapter that the complainant previously filed a complaint involving the same transaction with the state commission or a local commission, unless such complaint was dismissed on grounds of lack of jurisdiction or improper venue.

564.703 Jury trial. [M.S.A. 26.1300(703)]

Sec. 703. No respondent shall be precluded from a trial by jury as a matter of right in any matter covered in this act.

564.704 Judicial remedies not diminished. [M.S.A. 26.1300(704)]

Sec. 704. Nothing contained in this act shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Approved June 11, 1968.